

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

1300 South Evergreen Park Drive SW

P.O BOX 47250

Olympia, WA 98504-7250

(360) 664-1222

FAX: (360) 586-1181

COMMERCIAL FERRY APPLICATION

This packet was designed to guide applicants through the process of applying for a commercial ferry certificate. The packet contains the following items:

- A questionnaire to decide if you need a commercial ferry certificate.
- A list of important definitions.
- An application form for a commercial ferry certificate.
- Instructions on completing the application form.
- Shipper's support statements that must accompany all applications for temporary certificate authority.
- A copy of the Laws and Rules Relating to Commercial Ferries.
- A blank form and instructions for submitting a certificated commercial ferry tariff.
- A blank form and instructions for submitting a time schedule.

We recommend you first complete the questionnaire portion immediately following this sheet to decide if you must apply for a certificate.

Then if your operation requires a certificate, please carefully read all instructions before completing any of the forms. Incomplete application forms will slow processing of your application.

If you still have questions after reading the instructions, please feel free to contact Licensing Services at (360) 664-1222.

QUESTIONNAIRE

WHO MUST APPLY FOR A COMMERCIAL FERRY CERTIFICATE?

- | | <u>Yes</u> | <u>No</u> |
|--|--------------------------|--------------------------|
| 1. In operating your vessel will you transport persons or property for hire on the waterways of the state of Washington? | <input type="checkbox"/> | <input type="checkbox"/> |

If you answered "no" to Question 1 and your operation is solely as a private carrier - involving transportation of only those commodities owned, bought or sold by you - you do not need a certificate from the Commission.

- | | | |
|--|--------------------------|--------------------------|
| 2. a. Do you operate solely as a charter service? (See definition page following) | <input type="checkbox"/> | <input type="checkbox"/> |
| b. Do you operate solely passenger-carrying vessels that depart and return to the point of origin without stopping at another location within the state where passengers leave the vessel? | <input type="checkbox"/> | <input type="checkbox"/> |
| c. Are you a not-for-profit or governmental entity that operates solely replicas of historical vessels or vessels recognized as national historical landmarks? | <input type="checkbox"/> | <input type="checkbox"/> |
| d. Do you operate solely a towboat, tug, scow, barge, or lighter? | <input type="checkbox"/> | <input type="checkbox"/> |
| e. Do you operate solely a rowboat/sailboat under 20 gross tons burden? | <input type="checkbox"/> | <input type="checkbox"/> |
| f. Do you operate solely an open steam launch of 5 tons gross or under? | <input type="checkbox"/> | <input type="checkbox"/> |
| g. Do you operate solely a gas, fluid, naphtha, or electric motor propelled vessel under 5 tons gross? | <input type="checkbox"/> | <input type="checkbox"/> |

If you answered "yes" to any of Questions 2a-2g you do not need a certificate from the Commission.

- | | | |
|---|--------------------------|--------------------------|
| 3. Does ten percent (10%) of the gross annual income of any of your vessels come from the transportation of passengers and/or vehicles? | <input type="checkbox"/> | <input type="checkbox"/> |
|---|--------------------------|--------------------------|

If you answered "no" to Question 3, you do not need a certificate from the Commission. NOTE You may still need to be registered with the Commission as a common carrier ferry. Refer to WAC 480-51- 077.

- | | | |
|--|--------------------------|--------------------------|
| 4. Do you operate solely as an excursion service (see definition page following) meeting the following: | | |
| a. Originates and primarily operates at least six months per year in San Juan County waters AND uses vessels less than sixty-five feet (65') in length with a United States Coast Guard certificate that limits you to forty-nine (49) passengers or less. | <input type="checkbox"/> | <input type="checkbox"/> |
| b. Does not depart from the point of origin on a regular schedule. | <input type="checkbox"/> | <input type="checkbox"/> |
| c. Does not operate between the same point of origin and the same intermediate stop more than four times in any month or more than fifteen (15) times during any twelve-month period. | <input type="checkbox"/> | <input type="checkbox"/> |
| d. Uses vessels that do not return to the point of origin on the day of departure. | <input type="checkbox"/> | <input type="checkbox"/> |
| e. Operates vessels upon the waters of the Pend Oreille River, Pend Oreille County, Washington. | <input type="checkbox"/> | <input type="checkbox"/> |

If you operate solely as an excursion service and answered "yes" to any of Questions 4a-4e, you do not need a certificate from the Commission.

- | | | |
|--|--------------------------|--------------------------|
| 5. Do you operate a vessel for hire and at least ten-percent (10%) of the annual gross earnings from that vessel come from transportation of passengers and/or vehicles? | <input type="checkbox"/> | <input type="checkbox"/> |
|--|--------------------------|--------------------------|

If you answered "yes" to Question 5 and "no" to questions 2a-2g and 4a-4e, you must have a certificate from the Commission.

DEFINITIONS USED IN THIS APPLICATION PACKET:

(Refer to rulebook for additional definitions not listed here)

Commercial ferry	every corporation, company, association, joint stock association partnership and person, their lessees, trustees or receivers, appointed by any court whatsoever, owning, controlling, leasing, operating or managing any vessel over and upon the waters of this state.
Certificated commercial ferry	a person required by chapter 81.84 RCW to obtain a certificate of public convenience and necessity before operating any vessel upon the waters of this state.
Common carrier ferry vessel	a vessel primarily engaged in transporting freight other than vehicles, whose gross earnings from the transportation of passengers and/or vehicles are not more than ten percent of the total gross annual earnings of such vessel.
Vessel	<p>every species of watercraft, by whatsoever power operated, for public use in the conveyance of persons or property for hire over and upon the waters within this state,</p> <p><i>except does not include:</i></p> <ul style="list-style-type: none">-all towboats, tugs, scows, barges, and lighters,-rowboats and sailing boats under twenty gross tons burden-open steam launches of five tons gross and under-vessels under five tons gross propelled by gas, fluid, naphtha, or electric motors.
For hire	transportation offered to the general public for compensation.
Transfer	sale, assignment, mortgage, lease or any other voluntary or involuntary conveyance of an interest in a certificate by the entity owning a certificate.
Launch service	transportation of passengers and/or freight to or from a vessel under way, at anchor or at a dock.
Excursion service	carriage or conveyance of persons for compensation over the waters of this state from a point of origin and returning to the point of origin with an intermediate stop or stops at which passengers leave the vessel and reboard before the vessel returns to its point of origin.
Charter service	hiring of a vessel, with captain and crew, by a person or group for carriage or conveyance of persons or property.
Fixed termini	the starting and ending points of a vessel's voyage, at which passengers or freight begin or conclude their transportation.
Intermediate point	a designated point along a commercial ferry's regular route at which the vessel stops according to its schedule to take on or off load passengers or freight.

INSTRUCTIONS FOR COMPLETING APPLICATION FORM

GENERAL INSTRUCTIONS

Complete the form in its entirety, attaching additional pages as required.

If you have questions, contact Licensing Services at (360)664-1222.

Acceptance of an application by the Commission does not imply grant of authority nor does it allow operation by an applicant.

The Commission recommends that all applicants read and become familiar with the Laws and Rules relating to Commercial Ferry Operations.

SPECIFIC INSTRUCTIONS

Questions or line	Instructions
Indicate type of application	Check one box showing the type of application being submitted. NOTE: Complete a separate form for each type of application requested. <i>For example, applicants wishing to apply for both temporary and permanent certificate authority must complete and submit two applications.</i>
Indicate type of service	Check one of the three boxes, showing the type of service you propose to provide. (See definition sheet attached)
Questions 1 through 4	Self-explanatory.
Question 5	Fully and specifically describe the territory in which you propose to provide service.
Question 5a	RCW 47.60.120 prohibits private ferry crossings within ten miles of those operated by the Department of Transportation unless the Washington Utilities and Transportation Commission grants a waiver of the restriction. If your application contains an application for waiver of the ten-mile restriction, you must provide information justifying your request. In making its decision, the Commission will consider many issues including public interest, impact of the waiver on transportation congestion, air quality improvement, and overall impact on the Washington State Ferry Systems.

Questions or line	Instructions
Question 6	Attach a map that shows clearly the routes you propose to serve. Show beginning and ending points of each route and all intermediate points that will be served. NOTE: The territory description in Question 5, the tariff, the time schedule and map must all show the same information. If possible the map should be no larger than 8-1/2" x 14" or should fold readily to 8-1/2" x 11".
Question 7	Self-explanatory. NOTE: If you will be represented by an attorney at the hearing, but are unsure at the time of filing which attorney, check "yes" and show "unknown" on the line requesting the attorney's name.
Question 8 (Tariff)	Each applicant must submit with his/her application a tariff that shows proposed rates and fares and the rules governing the rates and fares. For a full explanation see the attached guide to filing tariff and blank tariff forms.
Question 9 (Time Schedule)	Each applicant must submit with his/her application a time schedule showing routes served and the times at which service will be provided. For a full explanation see attached guide to filing a time schedule and blank time schedule forms. NOTE: As launch services provide on call service and do not operate on fixed schedules, they need not submit a time schedule.
Question 10	List all vessels to be used under the certificate. Indicate whether each is owned, leased, etc.
Question 11	List all docks proposed to be used in providing service. Indicate value of each dock, if owned. If not owned, indicate if dock owner and applicant have an agreement allowing use of the dock by the applicant.
Question 12	Complete the financial statement showing applicant's current financial status.
Questions 12a and 12b	List real estate and assets that are summarized in the financial statement in Question 12
Question 13	All applicants must fully describe existing conditions that justify the granting of a certificate. In addition, applicants for temporary certificate authority must demonstrate that there is an immediate and urgent need for the requested service that cannot be met by currently available service.
Question 14	List the names and addresses of all persons now furnishing service similar to that proposed in your application. If not known to applicant, please state "unknown" in space provided.
Question 15	Self-explanatory.

Questions or line	Instructions
Question 16a	Attach a separate sheet that shows projected incomes and expenses for the first year of operation if the certificate is granted.
Question 16b	Attach a separate sheet that shows projected ridership, and the projected revenues to be derived from providing passenger service.
Question 16c	Attach a separate sheet that shows the anticipated cost of service for your proposed operation.
Question 16d	Attach a separate sheet that shows an estimate of the costs of all assets to be used in providing service.
Question 17	<p>Indicate in the space provided how many days you anticipate it will take -- if you are granted a certificate -- between the date the certificate is granted and the actual operation of your vessel(s) in the territory requested.</p> <p>NOTE: Refer to WAC 480-51-120 relating to initiation of service, progress reports required, and extensions of time to initiate service.</p>
Question 18 (transfer)	<p>Complete attachment A - self explanatory.</p> <p>If transferring only a portion of certificate authority, attach two sheets:</p> <ol style="list-style-type: none"> (1) One labeled "To Be Retained" that shows clearly the authority to be retained by the seller. (2) One labeled "To Be Transferred" that shows clearly the authority to be transferred to the buyer. <p>If the transfer is due to an acquisition of control, submit a copy of the minutes of the corporate meeting in which the transfer was authorized.</p>
Question 18 (temporary)	<p>Each applicant for temporary certificate authority must submit with his/her application:</p> <ul style="list-style-type: none"> ➤ Proof of insurance (insurance certificate or surety bond) with minimum limits as required by WAC 480-51-070. (See copy of rules attached). ➤ Signed statements from potential customers demonstrating that there is an immediate and urgent need for the requested service. (A blank support statement form is attached. Photocopy as many as needed.) ➤ A copy of a certificate or letter that shows that all vessels to be used under the temporary certificate have been inspected by the United States Coast Guard (or if applicable, the Marine Division of the Department of Labor and Industries) and have been found to be safe and seaworthy for the intended operation.

(360) 664-1222

1. Name of applicant _____ () Individual
() Partnership
() Corporation

2. d/b/a _____ Unified Business Identifier (UBI) No. _____

3. Physical Address _____
(City, State, Zip) _____

Mailing Address _____
(City, State, Zip) _____

Telephone Number () _____ Fax Number () _____

4. List names and addresses of all persons having an interest in the business. If a CORPORATION, gives names and addresses of two principal officers, noting their titles, and indicate in which state incorporated. If a PARTNERSHIP, attach a certified copy of the partnership agreement, which sets forth the responsibility of the interested individuals.

5. List the territory in which you wish to operate:

Waiver of ten-mile restriction: Are you applying for territory which would require a waiver to provide service otherwise forbidden by the ten-mile restriction in RCW 47.60.120?

☐ Yes ☐ No

If yes, state fully the circumstances that justify Commission grant of such a waiver:

6. Attach a map which shows in detail the proposed routes, clearly showing beginning, ending, and intermediate points to be served. Also show the routes of other carriers giving similar service into the same or neighboring territory (if known to applicant).

7. Will an attorney be representing you at the hearing? ☐ Yes ☐ No

If yes, give specific attorney's name _____

Telephone Number () _____ Address _____

8. Attach a copy of the tariff you propose using. The tariff must contain proposed fares and rates to be assessed for service and the rules and regulations governing same. The tariff must comply with WAC 480-51-080 and the rules in the Commission's Tariff Circular No. 6 (WAC 480-149).
9. Attach a copy of the time schedule you propose using. The schedule must show routes, trips, times, points served, distances and available facilities. The time schedule must comply with WAC 480-51-090 of the Commission's Laws and Rules Relating to Commercial Ferry Service.
10. List vessels which are owned (unless otherwise stated) and will be used in the proposed service:

Name	Passenger Freight or Ferry Type	Power	Passenger Capacity	Freight Capacity	Owned, Leased, other?

11. List the docks which will be used in the proposed service. (List all facilities giving names, location, description, value if owned, and any other information of value showing the proposed service)

12. Complete the following financial statement:

FINANCIAL STATEMENT

Cash on hand and in bank	\$		Notes payable	\$	
Notes receivable			Accounts payable		
Accounts receivable			Other liabilities:		
Stocks in other companies					
Vessels (listed above)					
Bonds					
Docks (listed above)					
Machinery, tools, etc.					
Real estate (listed below)					
Other assets (listed below)					
Total	\$		Total	\$	

- A. List all Real Estate as to location and value (List here only such property as cannot be listed under item 10)

_____	\$	_____
_____	\$	_____
_____	\$	_____
_____	\$	_____
_____	\$	_____

- B. List total "Other Assets" mentioned above:

_____	\$	_____
_____	\$	_____
_____	\$	_____
_____	\$	_____
_____	\$	_____

13. List conditions that exist which would justify the granting of a Certificate of Public Convenience and Necessity:

14. List names and addresses of all persons, firms, or corporations now furnishing similar service between any of the points or along any portion of the route proposed to be served:

_____	_____
_____	_____
_____	_____

15. State applicant's prior experience, if any, in providing commercial ferry service:

16. All applicants must attach separate sheets containing the following information:

- a. Pro forma financial statement of operations (projections of incomes and expenses for first year operations).
- b. Ridership and revenue forecasts.
- c. The cost of service for the proposed operation.
- d. An estimate of the cost of the assets to be used in providing service.

17. If certificate is granted, carrier will begin operations within _____ days of that grant.

18. If this is a transfer application, you must:

- Complete attachment A.
- If this application is for transfer of a portion of certificated authority, attach document clearly showing authority to be transferred and a document clearly showing the authority to be retained.

If this is an application for a temporary certificate you must:

- Attach proof of insurance
- Attach statements from potential customers showing immediate and urgent need for service.
- Attach proof that all vessels to be operated under the temporary are inspected and found to be safe and seaworthy.

If this is a transfer through acquisition of control of the stock, you must:

- Attach copy of the corporate minutes authorizing such transfer.

The applicant certifies he/she is familiar with the provisions of Chapter 81. 84 RCW and Chapter 480-51 WAC, Laws and Rules of the Washington Utilities and Transportation Commission, governing the operation of vessels and ferries upon the waters of the state of Washington. Applicant further certifies that vessels operated under Certificates of Public Convenience and Necessity are in no way released from the necessity of observing all Federal and State laws providing for the registration of vessels, the observance of navigation and maritime rules and regulations, and other matters subject to Federal or State enactments.

Applicant affirms that its operations shall be at all times within the provisions of such acts, and requests the Washington Utilities and Transportation Commission to make its order granting a Certificate of Public Convenience and Necessity as provided in Chapter 81.84 RCW and Chapter 480-51 WAC.

The applicant swears or affirms that he/she has read the foregoing application and knows the contents, that the same is true of his/her own knowledge, except as to matters which are therein stated on information or belief, and as to those matters he/she believes them to be true.

Signature of Applicant

Date

ATTACHMENT A

Attachment for Certificated Commercial Ferry Application When Transfer is Involved

Certificate of Public Convenience and Necessity No. BC-_____ is attached and authorizes the furnishing of passenger-freight-ferry-excursion service by vessel between:

The applicant (buyer) desires to obtain all/a portion of the rights pursuant to RCW 81.84.030 of said

_____ (name certificate now in) who hereby agrees to the cancellation of the said certificate as applicable and the issuance in lieu of a like certificate in the name of the applicant (buyer). Both the certificate holder and the applicant (buyer) are familiar with the provisions of WAC 480-51-100 relating to the filing of annual reports and payment of fees on cessation of operation and jointly bind themselves to see that such rule is complied with. It is further represented by both parties that the sale or transfer applied for is not for the purpose of hindering, delaying or defrauding creditors.

Does the seller propose to transfer any properties or facilities together with the certificate?

☐ Yes ☐ No

If "Yes", the seller and the purchaser agree to jointly file an application under the provisions of RCW Chapter 81.12 if any of the seller's physical assets necessary or useful in the performance of its duties to the public are to be transferred to the purchaser, in addition to the Certificate of Public Convenience and Necessity requested.

Applicant (Seller)_____

By_____

Name & Title

Date_____

Applicant (Buyer)_____

By_____

Name & Title

Date_____